



House of Representatives

General Assembly

File No. 734

January Session, 2007

Substitute House Bill No. 6956

House of Representatives, May 3, 2007

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE FOR FIREFIGHTERS AND POLICE OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this
2 section:

3 (1) "Body fluids" means blood and body fluids containing visible
4 blood and other body fluids to which universal precautions for
5 prevention of occupational transmission of blood-borne pathogens, as
6 established by the National Centers for Disease Control, apply. For
7 purposes of potential transmission of meningococcal meningitis or
8 tuberculosis, the term "body fluids" includes respiratory, salivary and
9 sinus fluids, including droplets, sputum and saliva, mucous and other
10 fluids through which infectious airborne organisms can be transmitted
11 between persons.

12 (2) "Police officer or firefighter" means a local or state police officer,
13 a state or local firefighter or an active member of a volunteer fire

14 company or fire department engaged in volunteer duties who, in the
15 course of employment, runs a high risk of occupational exposure to
16 hepatitis, meningococcal meningitis or tuberculosis.

17 (3) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
18 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
19 recognized by the medical community.

20 (4) "High risk of occupational exposure" means risk that is incurred
21 because a person subject to the provisions of this section, in
22 performing the basic duties associated with such person's
23 employment:

24 (A) Provides emergency medical treatment in a non-health-care
25 setting where there is a potential for transfer of body fluids between
26 persons;

27 (B) At the site of an accident, fire or other rescue or public safety
28 operation, or in an emergency rescue or public safety vehicle, handles
29 body fluids in or out of containers or works with or otherwise handles
30 needles or other sharp instruments exposed to body fluids; or

31 (C) Engages in the pursuit, apprehension or arrest of law violators
32 or suspected law violators and, in performing such duties, may be
33 exposed to body fluids.

34 (5) "Occupational exposure", in the case of hepatitis, meningococcal
35 meningitis or tuberculosis, means an exposure that occurs during the
36 performance of job duties that may place a worker at risk of infection.

37 (b) Any police officer or firefighter who suffers a condition or
38 impairment of health that is caused by hepatitis, meningococcal
39 meningitis or tuberculosis that requires medical treatment, and that
40 results in total or partial incapacity or death shall be presumed to have
41 sustained such condition or impairment of health in the course of
42 employment and shall be entitled to receive workers' compensation
43 benefits pursuant to chapter 568 of the general statutes, unless the
44 contrary is shown by competent evidence, provided:

45 (1) The police officer or firefighter completed a physical
46 examination, including a tuberculosis skin test, on entry into police or
47 fire service that failed to reveal any evidence of such condition or
48 impairment of health.

49 (2) The police officer or firefighter presents a written affidavit
50 verifying by written declaration that, to the best of his or her
51 knowledge and belief:

52 (A) In the case of meningococcal meningitis, in the ten days
53 immediately preceding diagnosis, the police officer or firefighter was
54 not exposed, outside the scope of employment, to any person known
55 to have meningococcal meningitis or known to be an asymptomatic
56 carrier of the disease.

57 (B) In the case of tuberculosis, in the period of time since the police
58 officer's or firefighter's last negative tuberculosis skin test, he or she
59 has not been exposed, outside the scope of employment, to any person
60 known by the police officer or firefighter to have tuberculosis.

61 (c) Each employer shall maintain a record of any known or
62 reasonably suspected exposure of any police officer or firefighter in its
63 employ to the diseases described in this section and shall immediately
64 notify the employee of such exposure. A police officer or firefighter
65 shall file an incident or accident report with his or her employer of
66 each instance of known or suspected occupational exposure to
67 hepatitis infection, meningococcal meningitis or tuberculosis.

68 Sec. 2. Section 7-433c of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2007*):

70 (a) Notwithstanding any provision of chapter 568 or any other
71 general statute, charter, special act or ordinance, [to the contrary,] in
72 the event a uniformed member of a paid municipal fire department or
73 a regular member of a paid municipal police department who (1)
74 began such employment prior to July 1, 1996, and (2) successfully
75 passed a physical examination on entry into such service, which

76 examination failed to reveal any evidence of hypertension or heart
77 disease, suffers either off duty or on duty any condition or impairment
78 of health caused by hypertension or heart disease resulting in [his
79 death or his] such member's death or temporary or permanent, total or
80 partial disability, [he or his] such member or such member's
81 dependents, as the case may be, shall receive from [his] such member's
82 municipal employer compensation and medical care in the same
83 amount and the same manner as that provided under chapter 568 if
84 such death or disability was caused by a personal injury which arose
85 out of and in the course of [his] such member's employment and was
86 suffered in the line of duty and within the scope of [his] such member's
87 employment, and from the municipal or state retirement system under
88 which [he] such member is covered, [he or his] such member or such
89 member's dependents, as the case may be, shall receive the same
90 retirement or survivor benefits which would be paid under said
91 system if such death or disability was caused by a personal injury
92 which arose out of and in the course of [his] such member's
93 employment, and was suffered in the line of duty and within the scope
94 of [his] such member's employment. If successful passage of such a
95 physical examination was, at the time of [his] employment, required as
96 a condition for such employment, no proof or record of such
97 examination shall be required as evidence in the maintenance of a
98 claim under this section or under such municipal or state retirement
99 systems. The benefits provided by this section shall be in lieu of any
100 other benefits which such [policeman or fireman or his] member or
101 such member's dependents may be entitled to receive from [his] such
102 member's municipal employer under the provisions of chapter 568 or
103 the municipal or state retirement system under which [he] such
104 member is covered, except as provided by this section, as a result of
105 any condition or impairment of health caused by hypertension or heart
106 disease resulting in [his death or his] such member's death or
107 temporary or permanent, total or partial disability. As used in this
108 section, the term "municipal employer" shall have the same meaning
109 and shall be defined as said term is defined in section 7-467.

110 [(b) Notwithstanding the provisions of subsection (a) of this section,

111 those persons who began employment on or after July 1, 1996, shall not
112 be eligible for any benefits pursuant to this section.]

113 (b) (1) As used in this subsection, "on duty" means:

114 (A) For a uniformed member of a paid municipal fire department,
115 (i) responding to, at the scene of or returning from alarms, (ii)
116 responding to, at the scene of or returning from calls for mutual aid
117 assistance, (iii) at drills or training, or (iv) performing fire inspections
118 or investigations; and

119 (B) For a regular member of a paid municipal police department, (i)
120 making an arrest, (ii) responding to a call for service from the public,
121 (iii) responding to an emergency or code, or (iv) the actual
122 performance of required job-related activities.

123 (2) For the purpose of adjudication of claims for the payment of
124 benefits under the provisions of chapter 568 to a uniformed member of
125 a paid municipal fire department or a regular member of a paid
126 municipal police department who began such employment on or after
127 July 1, 1996, any condition of impairment of health caused by
128 hypertension or heart disease (A) occurring to such member while
129 such member is on duty and acting within the scope of his
130 employment for such member's municipal employer, and (B) that is a
131 direct result of the special hazards inherent in the member's duties that
132 results in death or temporary or permanent total or partial disability
133 shall be presumed to have been suffered in the line of duty and within
134 the scope of such member's employment, unless the contrary is shown
135 by competent evidence. Such presumption shall be available only if the
136 member completed a physical examination on entry into such
137 employment that failed to reveal any evidence of hypertension or heart
138 disease.

139 Sec. 3. (NEW) *(Effective October 1, 2007)* Notwithstanding any
140 provision of the general statutes, any state or local firefighter, active
141 member of a volunteer fire company or fire department engaged in
142 volunteer duties who is diagnosed with multiple myeloma, non-

143 Hodgkins lymphoma, prostate or testicular cancer resulting in total or
144 partial disability or death to such firefighter shall be entitled to receive
145 workers' compensation benefits pursuant to chapter 568 of the general
146 statutes, provided the firefighter:

147 (1) Completed a physical examination on entry into such
148 employment that failed to reveal any evidence of such cancer;

149 (2) Was employed as a firefighter for five or more years at the time
150 the cancer is discovered;

151 (3) Establishes that he or she regularly responded to the scene of
152 fires or fire investigations during some portion of his or her
153 employment as a firefighter; and

154 (4) Provides documentation that, while responding to the scene of
155 fires or fire investigations, the firefighter was exposed to a substance or
156 substances scientifically determined to be causally-related to the type
157 of cancer for which he or she is claiming compensation under this
158 section.

159 Sec. 4. (NEW) (*Effective July 1, 2007*) (a) There is established an
160 account to be known as the police and firefighters occupational
161 exposure account. The account shall contain any moneys required or
162 permitted by law to be deposited in the account and shall be a
163 separate, nonlapsing account within the General Fund. Investment
164 earnings credited to the account shall become part of the assets of the
165 account.

166 (b) There shall be deposited in the police and firefighters
167 occupational exposure account all participation fees collected pursuant
168 to section 5 of this act, funds appropriated in section 7 of this act and
169 such other funds as may be appropriated from time to time.

170 (c) Amounts in the police and firefighters occupational exposure
171 account shall be available to fund the cost of reimbursement of
172 employers and insurance carriers for benefits required to be paid
173 under the provisions of sections 1 and 3 of this act and section 7-433c

174 of the general statutes, as amended by this act.

175 Sec. 5. (NEW) (*Effective July 1, 2007*) The provisions of sections 1 and
176 3, of this act and section 7-433c of the general statutes, as amended by
177 this act, shall apply to police and firefighters who elect coverage under
178 said provisions and pay a participation fee of ten dollars per month to
179 the Labor Commissioner, for deposit into the police and firefighters
180 occupational exposure account. Benefit claims by persons who do not
181 elect such coverage shall be determined in accordance with the
182 provisions of section 7-433c of the general statutes, revision of 1958,
183 revised to January 1, 2007.

184 Sec. 6. (NEW) (*Effective July 1, 2007*) (a) Except as provided in
185 subsection (b) of this section, the cost of payments of benefits required
186 to be paid under the provisions of sections 1 and 3 of this act and
187 section 7-433c of the general statutes, as amended by this act, shall be
188 paid by the employer or its insurance carrier, which shall be
189 reimbursed for such cost from the police and firefighters occupational
190 exposure account, as provided in section 4 of this act, upon
191 presentation of any vouchers and information that the Labor
192 Commissioner may require.

193 (b) On September 1, 2008, and annually thereafter, the Labor
194 Commissioner shall determine the amount of benefits required to be
195 paid under the provisions of sections 1 and 3 of this act and section 7-
196 433c of the general statutes, as amended by this act, during the
197 preceding fiscal year. If the amount paid exceeds the resources of the
198 account, the commissioner shall reimburse employers or insurance
199 carriers on a pro-rated basis.

200 Sec. 7. (*Effective July 1, 2007*) The sum of ten million dollars is
201 appropriated to the Labor Department, from the General Fund, for the
202 fiscal year ending June 30, 2008, for deposit in the account established
203 pursuant to section 4 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	7-433c
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section
Sec. 5	<i>July 1, 2007</i>	New section
Sec. 6	<i>July 1, 2007</i>	New section
Sec. 7	<i>July 1, 2007</i>	New section

Statement of Legislative Commissioners:

Subsection (b) of section 6 was redrafted to clarify the date for determination of the benefit payment and the fiscal year for which the payment is applicable. In section 3, the phrase "unless the contrary is shown by a preponderance of the evidence," was deleted to conform to the previous deletion of language permitting a presumption that certain types of cancer had been sustained in the course of employment, absent proof to the contrary.

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Administrative Services; Various State Agencies	All Funds - Cost	Significant	Significant
Police and Firefighters Occupational Exposure Account (Labor Dept.)	GF - Cost	\$10 million	See Below
Police and Firefighters Occupational Exposure Account (Labor Dept.)	GF - Revenue Gain	See Below	See Below
Labor Dept.	GF - Cost	165,000	165,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	42,500	99,500

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	STATE MANDATE - Cost	Significant	Significant

Explanation

This bill establishes two rebuttable presumptions under workers' compensation law for specific ailments contracted or acquired by certain firefighters and police officers while performing their duties:

1. municipal police officers, state police and firefighters who contract hepatitis, meningitis, or tuberculosis (TB);
2. municipal police and firefighters, hired after July 1, 1996, who are on duty and suffer from impaired health due to hypertension or heart disease.

The bill also specifies workers' compensation requirements for firefighters who suffer from certain types of cancer.

Lastly, the bill creates a separate, nonlapsing Police and Firefighters Occupational Exposure account (within the Department of Labor), funded by a \$10 million state appropriation and police and firefighter contributions. The account will be used to reimburse municipalities and/or their insurance carriers for workers' compensation benefits required to be paid under the bill. sHB 7077, the Appropriations Act, as favorably reported by the Appropriations Committee, did not provide any funding for a Police and Firefighters Occupational Exposure account.

It is not known how many police and firefighters will pay the \$10 monthly participation fee, but potentially 35,600 could join.¹ Since it is unknown how many police officers and firefighters will be awarded workers' compensation benefits under the bill, it is indeterminate as to whether the account has sufficient funding to fully reimburse municipalities and/or their insurance carriers for their benefit costs.

The bill requires the Department of Labor (DOL) to administer and manage the Police and Firefighters Occupational Exposure account. As DOL does not currently perform these duties, the agency would need to hire additional personnel. Based on the number of police and firefighters participating and the number of claims, DOL may require three additional staff positions with an annualized Personal Services cost of \$165,000, plus fringe benefits.²

Hepatitis, Meningitis, or Tuberculosis (TB)

¹ If every police officer and firefighter joined, the account would generate revenue of \$4.27 million (35,600 police and firefighters x \$10 monthly fee x 12 months = \$4,272,000).

² The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

This bill establishes a rebuttable presumption that police officers or firefighters who contract hepatitis, meningitis, or tuberculosis got the condition from the workplace and are entitled to workers' compensation benefits.

The fiscal impact to the state and municipalities could be potentially significant. Workers' compensation liability for hepatitis, meningitis, or tuberculosis is estimated to be as high as \$750,000 - \$2,500,000 per claim, depending on the age of the claimant and the severity of the disease.

It is not known how many police officers or firefighters contract these diseases. In 2005, there were 8 claims concerning these diseases filed with the Workers' Compensation Commission from the population of all public and private sector employees in the state.³ This provision of the bill applies to approximately 35,600 police officers and firefighters.

Heart and Hypertension

The bill creates a rebuttable presumption that a health impairment resulting from hypertension or heart disease occurring to a paid municipal firefighter or police officer while on duty, and is the direct result of the special hazards inherent in the job, is compensable under the Workers' Compensation Act. This provision applies to paid municipal firefighters or police officers who previously passed a physical that revealed no evidence of hypertension or heart disease and were hired after July 1, 1996.

There are approximately 4,135 paid municipal firefighters in the state and 7,976 certified municipal police officers. This provision of the bill would impact at least 2,500 firefighters and police officers hired after July 1, 1996, along with all future hires.

There were 31 heart and hypertension claims (under 7-433c) filed in

³ In 2004, 8 claims involving these diseases were filed with the Workers' Compensation Commission. In 2003, there were 18 claims filed.

2005 by paid municipal police and firefighters hired before July 1, 1996.

It is anticipated that this provision will increase the number of claims filed under 7-433c. To the extent that filing a claim under 7-433c increases the likelihood of an award—because the burden of proof has shifted to the employer to refute the claim—there will be increased costs to municipalities. These costs may be significant as a single heart and hypertension claim may exceed \$1 million over the life of the claim.

Cancer

Under the bill, a firefighter is entitled to receive worker's compensation benefits, if the firefighter meets certain requirements, for the following types of cancer: (1) multiple myeloma, (2) non-Hodgkin's lymphoma, (3) prostate, or (4) testicular. It is unknown how many firefighters will be stricken with these types of cancer; however, a single cancer claim may exceed \$1 million over the life of the claim.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6956*****AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE FOR FIREFIGHTERS AND POLICE OFFICERS.*****SUMMARY:**

This bill establishes two rebuttable presumptions under workers' compensation law for specific ailments certain public safety employees contract or acquire through their work. The type of employee and the presumptive ailment for each are:

3. municipal and state police and firefighters and volunteer firefighters who contract hepatitis, meningitis, or tuberculosis (TB) and
4. municipal police and firefighters, hired after July 1, 1996, who are on duty and suffer from impaired health due to hypertension or heart disease.

To fall under the bill, the ailments must result in lost work time due to total or partial incapacity or death. The presumption that any of these ailments is due to the occupation is rebuttable, meaning it is presumed to be job related unless the employer provides sufficient evidence that it is not. Under current law, any of these ailments are compensable, but the burden of proof is on the employee to demonstrate the illness is job related.

The bill also entitles municipal and state firefighters and volunteer firefighters to workers' compensation benefits, under certain circumstances, for the following types of cancer: (1) multiple myeloma, (2) non-Hodgkin's lymphoma, (3) prostate, and (4) testicular.

It also creates a state occupational exposure account, funded by employee contributions and a \$10 million state appropriation, to

reimburse employers and insurance carriers that pay benefits required under the bill. It requires police and firefighters who elect coverage under the bill to contribute a \$10 monthly fee to be deposited in the account. Benefit claims for employees who do not opt to pay into the account will be determined in accordance with existing workers' compensation law governing heart and hypertension benefits for police and firefighters. Thus the bill does not appear to provide a means, other than contributing to the new account, for a claim related to the communicable diseases or cancers named in the bill. Furthermore, the bill's cancer provision does not include police. If police officers opt to make the monthly payment, they will not be subject to the cancer provision (see COMMENT).

EFFECTIVE DATE: October 1, 2007

HEPATITIS, MENINGITIS, OR TUBERCULOSIS

Presumption

The bill provides that a firefighter, police officer, or volunteer firefighter who suffers from one of these diseases and either dies or is totally or partially incapacitated must be presumed to have sustained the ailment from the job unless (1) competent evidence shows the contrary or (2) the employee fails to meet one of the medical test or administrative requirements stated below. By law, volunteer firefighters are treated as employees, for workers compensation purposes, of the town where they volunteer.

To be included under the presumption, the employee or volunteer must have completed a physical exam, including a TB skin test, upon entry into the service, that failed to reveal evidence of any of the three diseases. Furthermore, an employee must present in cases of (1) meningitis, a written affidavit that in the 10 days prior to diagnosis, he or she was not exposed outside of work to anyone known to have or carry the disease and (2) TB, a written affidavit that the employee was not exposed outside of work to anyone known by the police officer or firefighter to have the disease since the last negative TB skin test.

Required Records

Employees must file a report with their employer about each known or suspected occupational exposure to hepatitis, meningococcal meningitis, or TB. Employers must maintain a record of known or reasonably suspected cases of exposure and must notify employees of such exposures immediately.

Occupational Risk of Exposure

The bill applies to municipal and state police and firefighters and volunteer firefighters who, in the course of their employment, run a high risk of occupational exposure to hepatitis, meningitis, or tuberculosis.

“High risk of occupational exposure” means a risk incurred because a person, in performing his or her basic duties:

1. provides emergency medical treatment outside of a healthcare setting where there is a potential for transferring body fluids;
2. handles body fluids, needles, or other sharp instruments exposed to body fluids at the site of an accident, fire, or other rescue or safety operation or in an emergency rescue or public safety vehicle; or
3. may be exposed to body fluids while engaged in the pursuit, apprehension, or arrest of law or suspected law violators.

“Body fluids” are blood, fluids containing blood, and other body fluids for which universal precautions apply. For purposes of meningococcal meningitis or tuberculosis, they include respiratory, salivary, and sinus droplets that can transmit infectious airborne organisms.

The bill defines hepatitis as hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized in the medical community.

HEART AND HYPERTENSION

The bill creates a presumption that an ailment caused by hypertension or heart disease that occurs while a paid municipal firefighter or police officer is on duty, acting within the scope of his or her employment, and is the direct result of the special hazards inherent in the employee's duties and is compensable under workers' compensation. It applies to (1) those hired after July 1, 1996 and (2) only in cases where the ailment caused by hypertension or heart disease results in lost work time due to temporary or permanent total or partial disability or death.

To qualify under the bill the employee must be on duty as follows

1. A municipal firefighter must be (a) responding to, at the scene of, or returning from alarms, (b) responding to, at the scene of, or returning from calls for mutual aid assistance, (c) at drills or training, or (d) performing fire inspections or investigations.
2. A municipal police officer must be (a) making an arrest, (b) responding to a call for service from the public, (c) responding to an emergency or code, or (d) performing required job-related activities.

The employee must have previously passed a physical that revealed no evidence of hypertension or heart disease. Under current law, any firefighter or police officer hired after July 1, 1996 must prove the hypertension or heart disease was caused by his work and not due to other causes. (By law, municipal police officers and firefighters hired before to July 1, 1996 and out of work due to heart or hypertension-related illness are given benefits equivalent to workers' compensation benefits without having to demonstrate that the ailment is job related.)

Under the bill, the presumption can be overcome if competent evidence shows that the illness was not contracted through firefighting or police work.

CANCER

The bill also specifies workers' compensation requirements for

municipal and state firefighters and volunteer firefighters who suffer from the following types of cancer: (1) multiple myeloma, (2) non-Hodgkin's lymphoma, (3) prostate, or (4) testicular. Under the bill, a firefighter is entitled to receive worker's compensation benefits pursuant to the Workers' Compensation Act for the four cancers if he or she meets certain requirements. The firefighter must:

1. have previously passed a physical upon entry into the occupation that revealed no evidence of these cancers,
2. have been employed as a firefighter for at least five years,
3. establish that he or she regularly responded to fire scenes or investigations during some part of his or her career, and
4. provide documentation that, while responding to a fire or fire investigation scene, he or she was exposed to a substance or substances scientifically determined to be causally related to the type of cancer for which he or she is claiming compensation under the bill.

Under current law, a cancer claim can be submitted without these four requirements, although currently they may be considered when adjudicating a claim.

By law, volunteer firefighters are considered employees of the town for which they volunteer for workers' compensation purposes.

POLICE AND FIREFIGHTERS OCCUPATIONAL EXPOSURE ACCOUNT

The bill creates a police and firefighters occupational exposure account to reimburse employers and insurance carriers that pay benefits required under the bill. The account is to be funded through employee contributions and a \$10 million appropriation to the Labor Department. The bill requires that benefit claims for employees who do not opt to pay into the account will be determined in accordance with existing workers' compensation law governing heart and hypertension benefits for police and firefighters.

Reimbursing Employers and Insurance Carriers

The account, a separate, nonlapsing General Fund account, will be used to reimburse employers and insurance carriers for benefits they must pay under the bill's provisions. The employer or insurance carrier will pay the initial cost of the benefit and will be reimbursed by the Labor Department after submitting a voucher and any other information the Labor Department requires in order to be reimbursed.

Annually, beginning on September 1, 2008, the Labor Commissioner must determine the amount of benefits paid under the bill during the preceding fiscal year. If the amount paid exceeds the amount in the account, the commissioner must reimburse employers or insurance carriers on a pro-rated basis.

Account Deposits

The account is funded by a \$10 million appropriation to the Labor Department for FY 08 and a \$10 monthly participation fee from each firefighter and police officer who opts for the coverage. (It does not provide a mechanism for collecting the monthly fee.)

Investment earnings credited to the account become part of the assets of the account.

BACKGROUND***Legislative History***

On March 20, the House referred the bill (File 45) to the Appropriations Committee. On April 19, the committee reported the bill out with substitute language that (1) defines on duty for heart and hypertension claims and (2) adds the occupational exposure account to reimburse the cost of claims under the bill.

COMMENT***Access to Existing Workers' Compensation Coverage Hindered***

The bill requires that benefit claims for employees who opt not to pay into the account will be determined in accordance with existing workers' compensation law governing heart and hypertension benefits

for police and firefighters (CGS § 7-433c). Thus the bill does not appear to provide a means, other than contributing to the new account, for a claim related to the communicable diseases or cancers the bill names.

Police Pay Same Fee But Are Not Covered By All Provisions

The cancer provision does not include police, yet police must pay the same monthly fee as firefighters to access the bill's two provisions that do include them.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 9 Nay 1 (02/13/2007)

Public Safety and Security Committee

Joint Favorable

Yea 14 Nay 5 (03/01/2007)

Appropriations Committee

Joint Favorable Substitute

Yea 42 Nay 5 (04/19/2007)